

5
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
HASSHIEM C. ANDREWS,

Petitioner,

-against-

DOWNSTATE CORRECTIONAL FACILITY,

Respondent.
-----X

JUDGMENT
09-CV- 1555 (JG)

A Memorandum and Order of Honorable John Gleeson, United States District Judge, having been filed on October 27, 2009, dismissing petitioner's petition without prejudice as premature; denying petitioner's challenge to the delay in executing the 1994 warrant as procedurally defaulted; dismissing petitioner's ineffective assistance claims on exhaustion grounds; directing that if he exhausts those claims in state court, he may refile his petition for habeas relief in this court; and ordering that no Certificate of Appealability shall issue; it is

ORDERED and ADJUDGED that petitioner take nothing of the respondent; that petitioner's petition is dismissed without prejudice as premature; that petitioner's challenge to the delay in executing the 1994 warrant is denied as procedurally defaulted; that ineffective assistance claims are dismissed on exhaustion grounds; that if he exhaust those claims in state court, he may refile his petition for habeas relief in this court; and that no Certificate of Appealability shall not issue.

Dated: Brooklyn, New York
October 29, 2009

/S/

ROBERT C. HEINEMANN
Clerk of Court